

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MUSIC CHOICE,

*Plaintiff,*

v.

STINGRAY DIGITAL INC. (f/k/a  
STINGRAY DIGITAL GROUP INC.)  
and STINGRAY MUSIC USA, INC.,

*Defendants.*

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Case No. 2:16-CV-00586-JRG-RSP

**ORDER**

The Magistrate Judge previously entered his Order (Dkt. No. 280), which recommended denial of Defendants Stingray Digital Inc. (f/k/a/ Stingray Digital Group Inc.) and Stingray Music USA, Inc.’s (“Defendants”) Daubert Motion to Exclude Certain Opinions and Testimony of Plaintiff Music Choice’s Damages Expert, Dr. Ugone (“Motion”). (Dkt. No. 192). Defendants have now filed an Objection to that Order. (Dkt. No. 302).

After consideration of the briefing on Defendants’ Motion, the Order, and Defendants’ Objection to the Order, the Court concludes that the objections are without sufficient merit. Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of admissible evidence, rather than outright exclusion. *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 596 (1993). For that reason and the other reasons stated within the Order, the Court agrees with the conclusion reached within the Order. The Magistrate Judge’s Recommendation is therefore **ADOPTED**.

**So ORDERED and SIGNED this 22nd day of November, 2019.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE